



DRAFT

(Agency Name Here)

E-mail Records Management Policy

Effective: MM-DD-YYYY

Intent and Purpose of This Policy

This policy sets forth the requirements, principles, and best practices for the management and retention of electronic mail (e-mail) sent or received in the conduct of the official business of the Department of Administrative Services.

The management of e-mail systems touches on nearly all functions for which a government agency is responsible for recordkeeping: privacy, administration, vital records management, administrative security, auditing, access, and archives. The need to manage e-mail messages and systems properly, then, is the same as for other record keeping systems - to ensure compliance with Iowa laws concerning the creation of, retention of, and access to public records.

This policy has a four-fold purpose: (1) to establish definitions of "records" relevant to state records management and retention requirements; (2) to describe the legal requirements affecting electronic records and e-mail communications sent or received by state employees as they relate to state records management requirements, (3) to articulate guidelines for determining appropriate retention periods and storage options for qualified e-mail messages, and (4) to identify the responsibilities of individual employees for the storage and management of qualified e-mail messages.

What Is A "Record" And How Does This Relate To E-Mail?

Simply put, a "record" is information in virtually any form that is "made, produced, executed, or received pursuant to law in connection with the transaction of official business of state government". Based on this definition, e-mail messages (both the text of the message and the attachments, if any) may qualify as records.

Some Historical Perspective About Access to Public Records Stored in Electronic Form

In 1995, Internet access providers Compuserve, AOL, and Prodigy all started business. A standard feature of each of these services was an e-mail account. State government started the broad adoption of the use of e-mail systems shortly thereafter. In 1996, the Seventy-Sixth General Assembly added language to the Iowa Open Records Law (Iowa Code Chapter 22) to address the potential effects of official business being conducted through the use of this new communications medium and "electronic data processing systems" generally.

This language, which is still in the Iowa Code, was somewhat broad in order to encompass the somewhat uncertain future use of electronic information technologies. It stated that a public body shall establish policies and procedures to provide access to public records “which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software” (Iowa Code § 22.3A). In administering this section, a government body “shall not acquire any electronic data processing system that would impair the body's ability to permit examination and copying of a public record in either written or electronic form”. This means that storage of records in electronic form (i.e. in an e-mail system or an electronic repository) cannot be used as an excuse to prevent access to them by the public. Additionally, “the electronic public record shall be made available in a format useable with commonly available data processing or database management software”. [Iowa Code § 22.3A(2)]

So, What Are My Responsibilities For E-Mail Retention as an Employee?

The State Records Commission, in consultation with state agencies and the Attorney General's Office, has established “Records Series Retention and Disposition Schedules”. These schedules have two primary purposes – they establish and define “records series” and provide authorization for the final disposition (i.e. either destruction or transfer to the state archives for permanent storage) of the records series.

A records series is a group of records that have the same legal, fiscal, administrative or historical value. For storage and preservation purposes, the records within a series are typically grouped together – either logically (in electronic systems) or physically (in paper form) – to facilitate the retrieval and, at the appropriate time, final disposition of the record (destruction or permanent storage).

If an employee receives or generates the “record copy” of an official record, they are responsible for storing it in compliance with the applicable Records Series Retention and Disposition Schedule. The “record copy” is the copy created or maintained on file by the office of record having primary responsibility for producing the records if needed for audit or other official purposes (as determined by the records retention schedules).

Example 1: If you are the manager responsible for calling and conducting a meeting, you should have minutes of the meeting recorded in some form. The manager (or other person at the direction of the manager) may prepare and e-mail minutes of the meeting to all participants. The manager is responsible for maintaining the “record copy”.

Example 2: The office of record is not necessarily the office of origin. For example, the Director's office may receive e-mail messages from citizens that, upon receipt, become an official record and are maintained by that office in accordance with the appropriate records retention schedule. A convenience copy created for administrative ease of use (such as a copy of the e-mail forwarded to an employee within the agency), also called a working or reference copy, is not the official record.

Please see Appendix 1 for examples of records and their established retention periods.

Remember, e-mail itself is not considered a record series. It is a means of transmitting messages or information. Like paper or microfilm, e-mail is the medium by which the record is transmitted. Just as an agency cannot schedule all paper or microfilm records together under a single retention schedule, an agency cannot simply schedule e-mail as a record series. Rather, the disposition of e-mail messages must be related to the information they contain or the purpose they serve. The content, transactional information, and any attachments associated with the message are considered a record (if they meet the legal definition). The content must be evaluated to determine the applicability of a particular Records Series Retention and Disposition Schedule and the length of time the message must be retained.

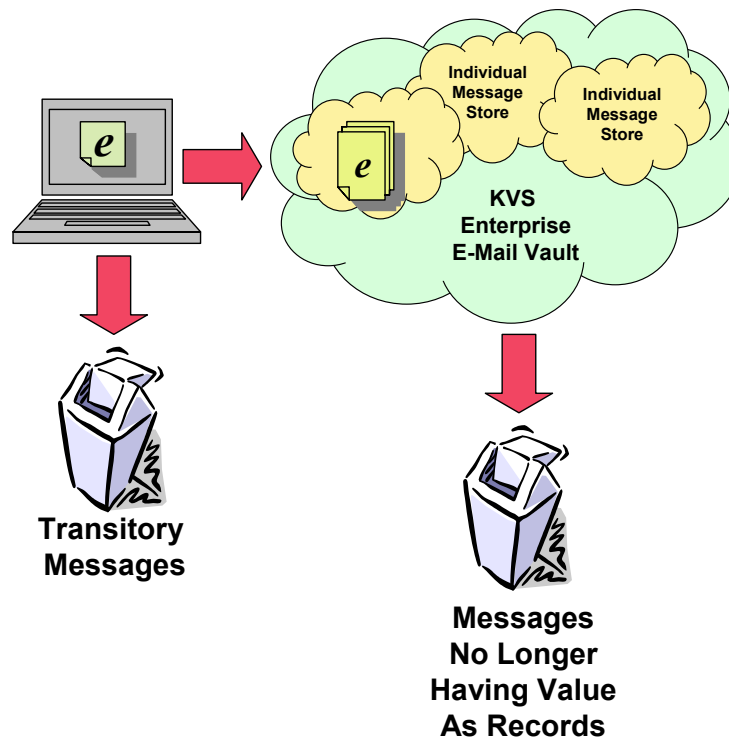
E-Mail Record Storage Processes

There are two methods that may be employed to store and retrieve e-mail messages that are subject to the requirements of a Records Series Retention and Disposition Schedule. You should use the appropriate method as determined by your supervisor.

Automated E-Mail Retention

Some e-mail servers have a feature that provides for the electronic storage, retrieval, and management of e-mail. If you have this feature available, you are able to electronically store e-mail in an electronic folder with the characteristics of the corresponding Records Series Retention and Disposition Schedule. (See Figure 1).

Figure 1. Automated E-Mail Retention Process



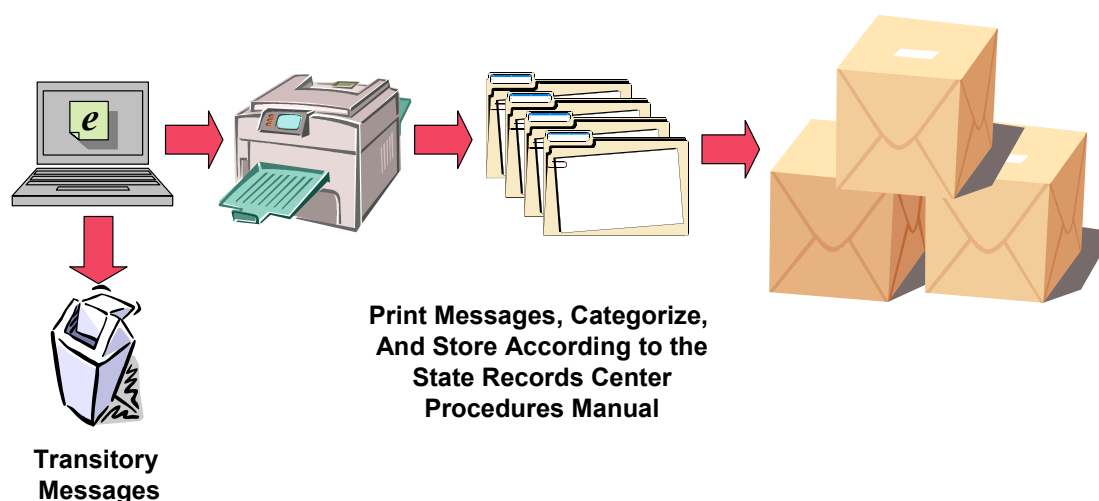
Employees sending or receiving e-mail messages must determine: and a) if the individual e-mails meet the requirements set forth in any of the Records Series

Retention and Disposition Schedules; and b) if they are responsible for the “record copy” of the e-mail. If both apply, the employee is responsible for appropriately storing the message (and any attachments). Such messages should only be deleted in accordance with the applicable schedule. Messages not meeting such requirements (an e-mail notice of a meeting, for example) should be kept only as long as needed then deleted.

Manual E-Mail Retention

If you do not have access to electronic e-mail management, you will need to use a manual procedure to store and retrieve e-mail that is subject to the requirements of a Records Series Retention and Disposition Schedule. (See Figure 2).

Figure 2. Manual E-Mail Retention Process



If an employee sending or receiving e-mail messages determines that an individual e-mail meets the requirements set forth in any of the Records Series Retention and Disposition Schedules and they are responsible for the “record copy” of the e-mail, they should print, categorize and store the records according to the *State Records Center Procedures* manual.

When printing the e-mail message (and attachments), the transmission data must be preserved in order for the context of the message to be understood. This includes, at a minimum, name and e-mail address of the sender (if available), recipients (if available), and the date the message was sent.

Identification of Recipients on Routing Lists

If you send e-mail by means of an electronic mail routing list that identifies users by codes or nicknames or identifies addressees only by the name of a distribution list, you must take steps to retain names on directories or distributions lists to ensure the proper identification of the addressee(s).

E-Mail Message Delivery Acknowledgements

You should request acknowledgments or receipts showing that a message reached the inbox of an addressee or that an addressee opened the e-mail message only if there is a clearly identified business reason for doing so. Supervisors should issue instructions to e-mail users specifying when it is appropriate to request such receipts or acknowledgments for recordkeeping purposes and the suggested retention period for the receipts or acknowledgments.

E-Mail Usage and Retention Principles and Best Practices

- Agency e-mail systems are for "official use" only by authorized personnel.
- Electronic records are official records.

Electronic communications generated or received by state officials and state employees are potentially public records the same as communications generated or received on paper. Electronic records generated or received by governmental personnel in the course of official duties are to be treated the same as any other record. As electronic communications are potentially public records, they are governed by the legal, operational, and archival requirements of Iowa law. Therefore, electronic communications determined to be public records are subject to the same requirements for capture, management, retention, and disposition as all other public records.

- Electronic records are subject to all applicable state laws and administrative rules.

Electronic records are subject to open record and record retention laws, associated implementing rules, and fair information practices rules¹. According to Iowa law, government records are property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except by law or by rule. All electronic communications are subject to other state and federal laws, rules, and policies. For example, there are limitations and prohibitions on electronic communications for personal use, to benefit an outside employment or activity, and electioneering.

- Electronic records shall be complete, reliable, and unaltered.

A complete electronic record comprises not only the content but also information about the context in which it was created: who created it, why it was created, and how it relates to other records. To be considered reliable, it must be possible to prove that the record is what it purports to be. Before deleting any e-mail message, the author should determine whether it meets the legal definition of a record and if they are responsible for the "record copy" and, if so, properly preserve a copy of the message using one of the methods described.

Once stored, a record must remain unaltered and not be capable of change without creating a new record. The automated and manual e-mail retention processes set forth in this policy satisfy this requirement.

¹ See Iowa Code Chapters 22 (Open Records), 305 (State Records and Archive), and 554D (Electronic Transactions). Also see Iowa Code sections 8A.416(5) (prohibition on political activity), 68A.12A (prohibition on use of public funds for political purposes), and 68B.2A (conflicts of interest) as well as the Department of Administrative Services Work Rule Number 11 (Internet and E-Mail usage).

- Electronic recordkeeping must be built into business processes and tools.

When the agency implements new electronic processes, it must also, at the same time, design the methods for managing the electronic records that result from those processes.

- Electronic records should be maintained in electronic formats.

Electronic records are inherently more accessible and more easily retrieved, searched, and sorted or tabulated than hard copy formats. Agencies initially generating records in electronic formats should maintain those records in their original electronic format to the maximum extent practicable to preclude loss of content, context, or meaning.

- Electronic records are subject to retention schedules the same as other records.

Electronic records, like paper records, must be retained and destroyed according to established records management procedures. Records officers are responsible for ensuring that the agency's retention and destruction of electronic records follow the State of Iowa's Records Series Retention and Disposition Schedules. Delete messages that do not meet the legal definition of records when the electronic records are no longer needed. If records schedules do not exist for specific series of electronic records, employees should notify their agency records officers, who will work with the State Records Commission to establish the required schedules.

- Delete any remaining copies of e-mail messages that are records after the "record copy" has been placed in a (paper or electronic) recordkeeping system.

- It must be possible to locate, retrieve, reproduce, and interpret electronic records.

It must be possible to locate e-mail records and access the information, by use of appropriate software and hardware, and display it in a way consistent with its' initial use for as long as the retention schedule requires. While it may be unavoidable due to technological or budget reasons, it should be noted that converting electronic records to paper formats to meet retention requirements destroys many of the advantages of having records in an electronic system. Maintaining the ability to search documents electronically is not only advantageous for agency staff but also for the citizens (individual and corporate) and media representatives who may want to access those records. As changes are made to either hardware or software, it must be possible to continue to access stored electronic records until they can be destroyed.